



Docket No.: 21298 US (C038435/0183236)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

*In re* Patent Application of:

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Tatsuo HOSHINO et al.

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Examiner: Irene Marx

Serial No.: 10/518,530

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Art Unit: 1651

Filed: December 20, 2004

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For: **PROCESS FOR PRODUCING  
CAROTENOIDS**

)

New York, New York  
October 2, 2007

**RESPONSE TO REQUIREMENT TO ELECT SPECIES  
AND PETITION FOR EXTENSION OF TIME**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is in response to the Office Action mailed August 17, 2007, which set a one-month shortened statutory period for response. A one-month extension of time to respond to the Office Action is hereby requested. Accordingly, this response is filed timely upon mailing, with an executed certificate of mailing, on or before October 17, 2007. 37 CFR §§ 1.8 and 1.136. Enclosed is a check in the amount of \$120.00 to cover the fee for the extension of time. 37 CFR § 1.17. Please charge any required fees not otherwise paid by check to Deposit Account No. 02-4467. A duplicate copy of this sheet is enclosed.

On page 2 of the Office Action, the Examiner issued a requirement to elect species pursuant to PCT Rule 13.1. (Paper No. 20070815 at 2.) In making the requirement, the Examiner asserted that the following species lacked unity:

- I. Microorganism for production of carotenoids
  - A. *Xanthophyllomyces*
  - B. One specific microorganism genus/species other than *Xanthophyllomyces*
- II. Inhibitor of biosynthesis of sterols from farnesyl pyrophosphate
  - A. Specific squalene synthase inhibitor
    - a. Ammonium ion based squalene synthase inhibitor
    - b. Phenoxypropylamine type squalene synthase inhibitor, as in claim 7 or 8. (*Id.*)

In making the requirement, the Examiner Required that the Applicants "elect ONE single disclosed species from each of I. and II." (*Id.*) The Examiner further required "[r]egarding II, [applicant] is required to elect ONE single disclosed species of inhibitor of biosynthesis of sterols from farnesyl pyrophosphate. If A. is selected, applicant is required to select one disclosed/claimed species from I.A.a. OR I.A.b, i.e., ONE specific ammonium ion based squalene synthase inhibitor or ONE specific phenoxypropylamine-type squalene synthase inhibitor." (*Id.* at 3.)

In accordance with election of species practice, *Xanthophyllomyces* is elected as the species of "[m]icroorganism for production of carotenoids", i.e., **species I.A.**, with traverse. In addition, **[3-(3-allyl-biphenyl-4-yloxy)-propyl]-isopropyl-amine** is selected as the "[i]nhibitor of biosynthesis of sterols from farnesyl pyrophosphate", i.e., **species II.A.b.**, with traverse.

Application No.: 10/518,530

Response Dated: October 2, 2007

Reply to Office Action Dated: August 17, 2007

If the Examiner has any questions regarding this paper, please contact  
the undersigned attorney.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on October 2, 2007.

  
Stephen J. Brown, Reg. No. 43,519

Respectfully submitted,

By:

  
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